



Toll Bridge Program Oversight Committee

**MINUTES**  
**TBPOC CONFERENCE CALL**  
January 11, 2006, 2:00 PM

Convened: 1:50 PM

**Part I**

Participants: Will Kempton, Steve Heminger, John Barna, Andy Fremier, Dan McElhinney, Stephen Maller, Jose Aguirre and Jon Tapping

ITEMS	TBPOC Decision/Direction
<b>I. Preparatory Discussion</b> <ul style="list-style-type: none"><li>• This session was called to clarify the legal parameters for the next items to make sure the AB/Fluor and Kiewit teleconference discussions meet State Contract Act requirements.</li><li>• The TBPOC has to let the two potential bidders know that the conference call is a matter of public information.</li><li>• At the end of the teleconference, the nature of the call will be summarized from a State Contract Act perspective.</li></ul>	<ul style="list-style-type: none"><li>• The purpose of the call to the potential bidders is for the TBPOC to get a sense of the problem, and have the potential bidders expand on their concerns.</li></ul>

**Part II**

Participants for TBPOC: Will Kempton, John Barna, Steve Heminger, Andy Fremier, Stephen Maller, Jose Aguirre and Jon Tapping

Participants for Kiewit: Mike Phelps (Sr. VP), Paul Giuntini (Lead Estimator), Tom Skoro (Pacific Structure District Mgr), Steve Hansen (Offsite Mgr)

ITEMS	TBPOC Decision/Direction
<b>II. Clarification of Bidder's Inquiry No. 267</b>  <i>A. Introduction</i> <ul style="list-style-type: none"><li>• After formal introductions of the conference participants, Director Kempton defined the purpose of the call which was to obtain from Kiewit an amplification of Bidder Inquiry No. 267, which he formally read.</li></ul>	

ITEMS	TBPOC Decision/Direction
<ul style="list-style-type: none"> <li>Director Kempton further stated the following: <ul style="list-style-type: none"> <li>that matters discussed will be public information;</li> <li>that an amplification of this inquiry will be posted and answered accordingly through the bidder inquiry process;</li> <li>that the TBPOC will be talking to other potential bidders in a similar way.</li> </ul> </li> </ul>	
<p><i>B. Amplification</i></p> <ul style="list-style-type: none"> <li>Kiewit explained in-depth why they thought an additional six months needed to be added to the SAS contract in order for them to submit a responsive bid. <ul style="list-style-type: none"> <li>They need more time to complete cable work. Their steel suppliers will not be able to deliver the fabricated steel under the current time frame. For Kiewit it is not a question of fabrication but of delivery. Kiewit cannot make the schedule without the 6 months added to the contract.</li> <li>If they can't make the required contract schedule, they will not submit a bid.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Director Kempton stated that Kiewit has amplified their specific Bidder Inquiry to the satisfaction of the members of the TBPOC who will contemplate on their input.</li> <li>To satisfy legal requirements, he reiterated the formal statements he made at the beginning of the call.</li> <li>Bidder Inquiry No. 267 will be modified to reflect this amplification and any response will be published.</li> </ul>

### Part III

Participants for TBPOC: Will Kempton, John Barna, Steve Heminger, Andy Fremier,  
Stephen Maller, Jose Aguirre and Jon Tapping

Participants for AB/Flour: Bob Luffy (CEO & Pres.), Ron Crockett, VP – Special Projects for American Bridge; Pat Flaherty (Sr. VP - Infrastructure), David Parker (Dir, Bus Dev) for Fluor

ITEMS	TBPOC Decision/Direction
<p><b>II. Clarification of Bidder's Inquiry No. 262</b></p> <p><i>A. Introduction</i></p> <ul style="list-style-type: none"> <li>Participants were introduced. Director Kempton formally read Bidder Inquiry No 262 and made it known that the purpose of the call was to obtain from AB/Flour an amplification of the bidder inquiry.</li> </ul>	

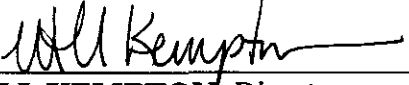
ITEMS	TBPOC Decision/Direction
<ul style="list-style-type: none"> <li>• Director Kempton further stated the following: <ul style="list-style-type: none"> <li>◦ that anything discussed will be public information,</li> <li>◦ that an amplification of this inquiry will be posted and answered accordingly through the bidder inquiry process.</li> </ul> </li> <li>• Director Kempton then asked that AB/Fluor amplify Bidder Inquiry No. 262 with specific reference to schedule issues. (AB/Fluor requests a two-month bid date extension after all of the 7 issues in their inquiry have been addressed. Item no. 4 requests extending the milestone dates by an additional six months.)</li> </ul>	
<p><i>B. Amplification</i></p> <ul style="list-style-type: none"> <li>• AB/Fluor addressed the 7 issues enumerated in their inquiry. <ul style="list-style-type: none"> <li>◦ Items 1, 2, 3 &amp; 4 are not as critical as 5, 6 &amp; 7.</li> <li>◦ AB/Fluor requests a waiver of consequential damages and a limitation on damages.</li> <li>◦ Caps on liability with regard to catastrophic property damages is requested due to the limited amount of insurance a contractor can buy.</li> <li>◦ With steel supplier no longer on board they find themselves scrambling and needing additional time to line up sureties.</li> <li>◦ They need time to secure more steel suppliers.</li> <li>◦ AB/Fluor will not use suppliers unless they have passed Caltrans' pre-bid audits. They do not know how fast Caltrans can complete these audits for all suppliers who requesting them</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Director Kempton thanked AB/Fluor for providing an expanded explanation of Bidder Inquiry No. 262.</li> <li>• Director Kempton re-stated what he said at the start of the teleconference: <ul style="list-style-type: none"> <li>◦ that what has transpired during the meeting is public information;</li> <li>◦ that their amplified bidder inquiry will be posted for all other bidders to see; and</li> <li>◦ that any response will be published using the typical bidder inquiry process.</li> </ul> </li> </ul>

Adjourned: 3:42 PM




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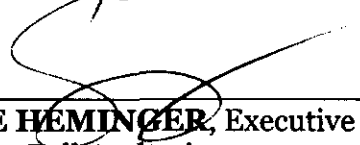
**APPROVED BY:**

  
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**WILL KEMPTON**, Director  
California Department of Transportation

2-23-06  
Date

  
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**JOHN F. BARNA, Jr.** Executive Director  
California Transportation Commission

2-23-06  
Date

  
\_\_\_\_\_  
**STEVE HEMINGER**, Executive Director  
Bay Area Toll Authority

3/2/06  
Date